IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2711 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CADILA PHARMACEUTICALS LTD
Versus
SIRAIGO PHARMACEUTICALS PVT LTD

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Appearance :
MR AMAR N BHATT for Petitioner.
MR DAKSHESH MEHTA for Respondent.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 27/04/2006

ORAL JUDGMENT

By filing this petition under Article 227 of the Constitution of India, the petitioner – original plaintiff of Civil Suit No.423/2006 has challenged the order passed by the trial Court by which ad-interim

injunction is not granted below notice of motion and notice is issued to the other side before granting injunction.

It is submitted by learned advocates appearing for both the sides that at the time of admitting this matter, ad-interim injunction was granted by learned Single Judge of this Court by giving prima facie reasons. It is further submitted by both the advocates that Notice of Motion is still pending and an undertaking is given by the defendant in the trial Court to the effect that they shall not use the mark “RABELOC” till the Notice of Motion is decided.

In view of the consensus arrived at between the parties, ad-interim injunction granted by this Court in this matter is ordered to be continued till Notice of Motion is decided, especially when an undertaking, as referred to above, is given by the defendant.

Now, learned trial Judge may dispose of Notice of Motion without being influenced by the fact that injunction was granted by this Court and it may be decided on its own merits and as per the submission made by both the sides.

Accordingly, this Special Civil Application is allowed to the aforesaid extent. Rule is made absolute accordingly with no order as to costs.

(P.B.MAJMUDAR, J.)

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